

10 NOV 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of	:	
VAN NOTEN et al.	:	
Application No.: 10/578,239	:	DECISION
PCT No.: PCT/GB2004/004528	:	
Int. Filing Date: 27 October 2004	:	
Priority Date: 04 November 2003	:	
Attorney Docket No.: TYR-P0007	:	
For: DEVICE FOR INSTALLING AN OPTICAL	:	
FIBRE IN A SPLICE CONNECTOR	:	

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181(a))" filed in the United States Patent and Trademark Office (USPTO) on 08 September 2008. No petition fee is required.

BACKGROUND

On 27 October 2004, applicants filed international application PCT/GB2004/004528, which designated the United States and claimed a priority date of 04 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 May 2006.

On 04 May 2006, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration of inventors filed in international application PCT/GB2004/004528.

On 19 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 January 2007, applicants filed a response which included a second copy of the declaration of inventors filed 04 May 2006.

On 10 August 2007, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the copy of the declaration of inventors filed 10 January 2007 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed.

On 14 July 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 19 December 2006.

On 08 September 2008, applicants filed the instant petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 11 September 2007 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 11 September 2007 and which itemizes "Newly executed Declarations (4 pages)" and identifies the above-captioned title and attorney docket number. Further, practitioner states that the copy of the declaration filed 08 September 2008 is a copy of the declaration originally filed 11 September 2007. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 08 September 2008 may properly be accepted as originally received in the USPTO on 11 September 2007. The NOTIFICATION OF ABANDONMENT mailed 14 July 2008 is hereby vacated.

The declaration filed 11 September 2007 is an improper declaration. It appears to consist of three page 1's with each page 1 listing separate inventors. Each declaration must list, *inter alia*, each inventor. See 37 CFR 1.497(a)-(b). Additionally, each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

The petition under 37 CFR 1.181 is GRANTED for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 14 July 2008 is VACATED.

Applicants are required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) within a time limit of ONE MONTH from the date of this decision. No extension of this time limit may be granted under 37 CFR 1.136.

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459